

Michelle Derby
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1747 Meriweather Lane
Woodland, WA 98674
(503) 438-0602
Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
(Portland Division)

MICHELLE BOLDEN, as legal
guardian for **WILLIAM DERBY**

Case No.: 3:19-CV-00555-HZ

Plaintiff(s),

v.

**PLAINTIFF'S MOTION FOR
VOLUNTARY DISMISSAL WITHOUT
PREJUDICE**

COLUMBIA COUNTY, a public entity doing
business in the State of Oregon, **CORRECT
CARE SOLUTIONS, LLC**, an Oregon limited
liability corporation, **JEFF DICKERSON**, in
his official capacity, **VIVEK SHAH, MD**, in his
official capacity, **JULIE WEIGAND**, in her
official capacity, and **TERRY KALLIO**, in her
official capacity, **COLUMBIA COMMUNITY
MENTAL HEALTH**, an Oregon Non-Profit
Corporation, **LEGACY HEALTH**, an Oregon
nonprofit corporation, **LEGACY EMANUEL
HOSPITAL & HEALTH CENTER**, dba
**UNITY CENTER FOR BEHAVIORAL
HEALTH**, a domestic non-profit corporation,

Defendant(s).

**PLAINTIFF'S MOTION FOR VOLUNTARY
DISMISSAL WITHOUT PREJUDICE -1-**

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LR 7-1 CERTIFICATION

The undersigned certifies, in compliance with Local Rule 7-1, the parties to this action made a good-faith effort to discuss this motion and resolve any matters related to this motion. Defendants' counsels have indicated to Plaintiff that they do not oppose this motion. Defendants oppose Plaintiff's motion.

MOTION

Pursuant to FRCP 41(a)(2), plaintiff moves for voluntary dismissal of this action without prejudice.

ARGUMENT

Plaintiff moves for a voluntary dismissal of this action without prejudice pursuant to FRCP 41(a)(2). This rule allows a plaintiff, pursuant to an order of the court, and subject to any terms and conditions the court deems proper, to dismiss an action without prejudice at any time. *See* Fed. R. Civ. P. 41(a)(2). With her original attorney, Mr. Gutbezahl, Plaintiff had begun the discovery process and was proceeding according to schedule. However, when it came to Mr. Gutbezahl's attention, and after consultation with the Oregon State Bar, that he could not continue as her attorney of record on this action, he was forced to withdraw. Since then Mr. Gutbezahl and Plaintiff have been seeking an alternative counsel to take over representation for her on this action, but have so far been unsuccessful. Plaintiff originally sought and was granted a motion to extend discovery deadlines, but since then has still been unable to secure the services of an attorney. Due to this, Plaintiff is unable to proceed with the action and thus respectfully seeks a voluntary dismissal without prejudice to allow her time to continue the search for an attorney without having to seek

**PLAINTIFF'S MOTION FOR VOLUNTARY
DISMISSAL WITHOUT PREJUDICE -2-**

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CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of April, 2020, I served the foregoing **PLAINTIFF'S MOTION TO EXTEND DISCOVERY DEADLINES**, on the following parties at the following addresses:

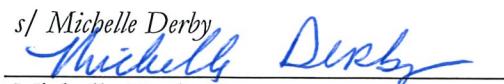
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Legacy Emanuel Hospital & Health Care
Center dba Unity Center for
Behavioral Health

by mailing to them a true and correct copy thereof, certified by me as such, placed in a sealed envelope addressed to them at the addresses set forth above, and deposited in the U.S Post Office at Portland, OR on said day with postage prepaid.

s/ Michelle Derby


Michelle Derby,
Plaintiff

further extension of the deadlines and further burden Defendants with preparing for trial and argument on motions.

Dated: April 16, 2020.

s/ Michelle Derby

Michelle Derby
Plaintiff



**PLAINTIFF'S MOTION FOR VOLUNTARY
DISMISSAL WITHOUT PREJUDICE -3-**

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